

*48 Cong.* HOUSE OF REPRESENTATIVES  
COMMITTEE ON THE TERRITORIES

---

GOVERNMENT FOR ALASKA

---

STATEMENT OF  
HON. HENRY M. HOYT, 2d

APRIL 11, 1910

---

SIXTY-FIRST CONGRESS, SECOND SESSION

---

WASHINGTON  
GOVERNMENT PRINTING OFFICE

1910

U. S. DEPT. OF AGRICULTURE  
NOV 15 1917

22

JK 9525  
1910 2

## GOVERNMENT FOR ALASKA.

### COMMITTEE ON THE TERRITORIES,

*Monday, April 11, 1910.*

The committee was called to order at 10.40 a. m., Hon. Edward L. Hamilton (chairman) presiding.

The CHAIRMAN. Gentlemen of the committee, Mr. Henry M. Hoyt, now attorney-general for Porto Rico, and formerly, as I understand, a district attorney in Alaska, is here this morning. I asked Mr. Hoyt to appear and be heard in the consideration of the two Alaskan government bills. Are you ready to proceed, Mr. Hoyt?

Mr. HOYT. Yes, sir.

### STATEMENT OF HON. HENRY M. HOYT, 2d, OF WASHINGTON, D. C.

Mr. HOYT. I might say to the reporter, Mr. Chairman, that perhaps I had better be designated as Henry M. Hoyt, 2d, as there is another Henry M. Hoyt in Washington whom I am liable to be mixed up with. I usually write my name "Henry M. Hoyt, 2d."

Mr. Chairman, would you rather ask me questions about this legislation, or would you rather have me say first what has occurred to me in regard to it?

The CHAIRMAN. We would be very glad to have you proceed, Mr. Hoyt, as you have examined this bill, have been in Alaska, and have had some experience with the territorial government in Porto Rico.

Mr. HOYT. I would say first, Mr. Chairman, that I have not made a careful examination of the original bill, but I have somewhat closely examined the bill H. R. 19860, and I would simply say that, as to the necessity for legislation of this kind for Alaska, I think it is very necessary, because Alaska is a very remote place, her communication with the United States is very imperfect all the time, and part of the time almost impossible excepting through very expensive cable messages.

Mr. WICKERSHAM. You have reference to Nome, have you not, Mr. Hoyt?

Mr. HOYT. Yes; but then I think any part of Alaska is sufficiently remote to make communication with it annoying and subject to long delays—any part of it. But my experience, of course, in Alaska has been mostly at Nome, where I spent three years, with the exception of the last winter. The last winter I spent on the outside. But I could observe, before I left there, that there was the beginning of the exhaustion of the placers, and a consequent reduction of population in and about Nome. I was there from July, 1904, until May, 1907.



Now, in the nature of the case, with the sparse population that there is in Alaska, scattered in small groups all over that enormous country, I think it is pretty hard to expect that the people of Alaska would ever be in close agreement upon matters relating to legislation. That accounts, to my mind, for the statement which I have so often heard in Washington: "If you Alaska people would only get together, then we could do something for you." That is, in my opinion, too much to ask of any country, even with a solid population, "to get together," because nobody ever did get together in the sense of being unanimous and harmonious, and all agree upon the same programme. And so I say that I think it unreasonable to expect the Alaskan people to get together and agree upon what they want Congress to do. In the nature of the case, of course, Congress can not know, without having reports and first-hand information from all over Alaska, what the conditions in Alaska are; so I think it is very necessary that there should be an Alaska legislature of some kind.

The whole population is variously estimated—that is, the white population—from 20,000 to 40,000 inhabitants. Estimates are made by different people. I do not know what the population is, but I should guess that it was somewhere in the neighborhood of 25,000.

The CHAIRMAN. Do you mean permanent white population?

Mr. HOYT. Yes; but I think that is overestimated. If you mean by "permanent" population people who live there the year round, I think there are not 25,000 white people living the year round in Alaska.

Mr. WICKERSHAM. When were you there, Mr. Hoyt?

Mr. HOYT. I have not been there since November, 1906, if I recollect right. I left there the early days of November, 1906.

The CHAIRMAN. What were the manifestations, to which you referred, that led to the feeling that the placer-mining possibilities of the Seward Peninsula were beginning to be exhausted? When were you there?

Mr. HOYT. They were beginning to decrease. At least, that is what everybody considered at that time; that the winter population of Nome was smaller in the last two years that I was there than it had been prior.

The CHAIRMAN. It is said that the placer mining there is in a state of transition from the original method of extracting the gold by pick and shovel to the machinery method. Had the machine method been introduced when you were there?

Mr. HOYT. Very largely, yes; but not the dredge. That was just beginning. To the extent that I understand placer mining, it amounts to this: That the richest placers are mined at first by work in the creek beds; then in the deep placers, requiring the shaft and hoisting machinery, thawing the ground, and all that sort of thing; and then last, in the ordinary development and exhaustion of the placer fields, comes the dredging operation, which can be carried on by improved methods, so as to move and treat enormous masses of earth and get the gold out of it at a very small cost per cubic yard. And that is what is going on. They are beginning with that; and when that is done that will mean the exhaustion of the placer fields.

The CHAIRMAN. Is it your idea that with the employment of these methods the population has increased or diminished?

Mr. HOYT. Decreased, of course. You can see the effect of it better at a place where that process has gone further, and that would be at Dawson, where all through that country the only mining operation left, as I was informed when I went through there, was the dredging process, and the country was being——

The CHAIRMAN. What would attract and hold a population in a territory like the Seward Peninsula?

Mr. HOYT. Well, that part of Alaska would seem to me to have nothing after the gold is gone.

The CHAIRMAN. Then it would depend entirely upon the mining?

Mr. HOYT. Yes. I did not see any possibilities of agriculture, and there is no forest, excepting considerably inland.

Mr. LLOYD. Have you been across the Bering Strait at that point into Russia—Siberia?

Mr. HOYT. No.

Mr. LLOYD. Do you know what there is over there in the way of population, and what the people do who are now there?

Mr. HOYT. No; I have never understood that there were very many white people there, excepting a few Cossack guards. I know there are people who raise the reindeer over there, and I understand that there have been the beginnings of placer mining in Siberia—in that part of it—but I never heard of any considerable white population being over there.

Mr. LLOYD. Do you know anything about the history of that country; whether there ever has been placer mining there?

Mr. HOYT. No, sir.

Mr. LLOYD. I take it that there is practically about the same thing on one side of the strait as on the other.

Mr. HOYT. As to the Seward Peninsula, I have never heard of any forest growth sufficiently valuable and accessible to indicate that it would become a commercial feature in the future. And as the climate and the nature of the country is such that it would not probably permit agriculture it does not look to me as if there is any future for the Seward Peninsula, excepting upon one contingency, and that is the discovery of valuable lodes, quartz claims.

The CHAIRMAN. Have there been some lode discoveries there?

Mr. HOYT. There is a quartz mine near Nome, but up to the time that I left there I had always heard that although it was being worked scientifically and well they never had made a profit, although they have worked a great deal of ore.

The CHAIRMAN. I will ask Mr. Fink if he is informed in relation to this lode claim.

Mr. FINK. Yes, sir; I was attorney for it.

The CHAIRMAN. Is it being worked?

Mr. FINK. No, sir.

The CHAIRMAN. What is the matter with it?

Mr. FINK. The people who own it lost about \$150,000 upon it and quit.

Mr. LLOYD. Mr. Hoyt, do they raise any vegetables around Nome?

Mr. HOYT. Yes; in the spring of the year they heap up some muck into a bed about 4 feet high, so as to get it above the plane of permanent moisture, and they can raise a few radishes for the kitchen, but of course there is nothing possible in the way of the commercial raising of vegetables. Then we utilize up there the exhaust steam



from the electric-light plants to grow cucumbers and lettuce in the sunny months of winter—that is, beginning along in March, April, and May. By heating the hothouse by exhaust steam from the electric-light works they did manage to grow a few cucumbers and some lettuce; and the way you would get a cucumber would be to go around there, take your visiting card, punch a hole through it, and tie it to the cucumber blossom, when the blossom indicated that it was going to fructify. That would be your cucumber, and that would be the way you would file your claim upon the cucumber. [Laughter.] I am saying this in the discussion of the commercial resources of the Seward Peninsula.

The CHAIRMAN. And that claim was respected, was it?

Mr. HOYT. Entirely, and there would have been trouble if it had not been.

The CHAIRMAN. Now, Mr. Hoyt, I want to call your attention to another part of Alaska, farther south, namely, the Tanana Valley. Have you had an opportunity to observe the conditions in the Tanana Valley?

Mr. HOYT. I have not had enough opportunity to observe it so that my opinion would be worth very much, Mr. Chairman; but from all the information I have had from various sources I believe there is a great future for the Tanana Valley. It is a wide, fertile valley, well timbered, and while I don't think that the agricultural products of that country can probably be shipped to the markets of the world with profit for many years, and not until other land becomes very much more nearly exhausted than it is now, still it looks like and seems to be a country capable of supporting a very large population, the products of the soil being consumed at home by the population which may gather there in the future.

The CHAIRMAN. You do not have to ticket cucumbers in the Tanana Valley, I suppose? [Laughter.]

Mr. HOYT. No; they grow very fine vegetables up there.

Mr. LLOYD. And all kinds of them, do they not?

Mr. HOYT. So I have understood. The summer I was there I ate the best cauliflower that I have ever seen. While I can not speak from actual knowledge, yet I understand that there are great varieties of valuable vegetables for food supplies that can be raised with entire success in that country.

The CHAIRMAN. And there are fruit possibilities in the Tanana Valley, are there not?

Mr. HOYT. Fruit trees would have to be very hardy to live there throughout the year, because the temperature gets down sometimes as low as 80° below zero.

The CHAIRMAN. You spoke of the timber; "well timbered," I think, was the expression you used. What sort of timber is that?

Mr. HOYT. I could not tell you that. It looks like the pine or the spruce of the forest States of the Pacific coast. The individual trees, however, are smaller in size, but very excellent timber and dense. There were hundreds of miles of it.

The CHAIRMAN. About what is the average size of timber that grows there?

Mr. HOYT. Well, I suppose where I went through, that the trees were probably a foot to 18 inches in diameter. Isn't that so, Judge Wickersham?

Mr. WICKERSHAM. Yes, indeed.

Mr. HOYT. And of good, clean lumber.

Mr. WICKERSHAM. Some are larger than that.

The CHAIRMAN. Did you ever make a trip overland from Fairbanks to Valdez?

Mr. HOYT. No.

The CHAIRMAN. Have you been in Valdez?

Mr. HOYT. No.

The CHAIRMAN. What other parts of Alaska are you acquainted with from personal observation?

Mr. HOYT. My knowledge of Alaska is entirely confined to the Seward Peninsula, with a trip down the Yukon and up the Tanana to Fairbanks, and down the Yukon River to its mouth.

The CHAIRMAN. Do you recollect the settlements along the Yukon, proceeding from the international boundary line westward?

Mr. HOYT. Oh, yes; in a way. They do not amount to anything.

The CHAIRMAN. About what is the first settlement that you can recall?

Mr. HOYT. Eagle, I think.

The CHAIRMAN. What was the population of Eagle when you were there?

Mr. HOYT. There may have been 150 people.

The CHAIRMAN. What is the next town?

Mr. HOYT. Circle, I think.

The CHAIRMAN. Do you recollect about the population of Circle?

Mr. HOYT. No. I only have a recollection of occasionally seeing a small village, and it was the same around Rampart. Rampart, I think, is the next largest town in the interior to Fairbanks, as I recollect it. It is quite a little town, with a number of saloons and a string of houses along the front.

The CHAIRMAN. What is the country along the Yukon?

Mr. HOYT. Well, at the Yukon flats, I think they call it, the river becomes very wide, and the valley is very extended, with water over all of it excepting an occasional sand spit. And my recollection of the whole Yukon country, I mean the Yukon as distinguished from the Tanana, is that the mountains and the hills come down quite precipitously to the river bed. Then I have heard that the streams which empty into the Yukon, if followed up, would lead you to valleys which in character are similar to the Tanana Valley; that is, with a broad plateau next to the river itself. But I don't think there is any valley which compares in importance with that of the Tanana, so far as I have been informed.

The CHAIRMAN. Are there valleys running back from the Yukon outside of the Tanana Valley, with agricultural possibilities, that you know of?

Mr. HOYT. Not that I know of, but I would rather think that there might be such valleys—and more likely to be—along the Kuskokwim than along the Yukon, although I have never been over in that country. There is a large river north of the Yukon called the Kuyokuk, but I do not know the possibilities there in the way of agriculture, although we used to all believe that the Kuyokuk had a great future for mining.

The CHAIRMAN. Mr. Hoyt, Judge Wickersham's bill provides for a legislative assembly for Alaska, to consist of a senate and a house of



representatives. In the course of the hearings—and the Judge will correct me if I do not state accurately—my recollection is that the Judge said that he would not insist upon a two-house legislature; that we might have a one-house legislature. The administration bill, so called, provides for an appointive legislature.

Now, we have arrived practically, I believe at this: That Judge Wickersham and the advocates of what is called the administration bill would agree to a one-house legislature. The difference appears to lie now in whether the members of this legislature shall be appointed or elected. I would be glad to have you discuss that question at this time.

Mr. HOYT. Well, for the present, and for, I think, quite a good many years to come, I would be in favor of an appointive legislature rather than an elective legislature in Alaska.

The CHAIRMAN. Why do you say that?

Mr. HOYT. Well, I think that the persons who would compose the legislature under the appointive system would be wiser and more unselfish people than under the elective system. I think that the unsettled, transient condition of things in Alaska is such that an elective legislature would probably not be one well calculated to pass wise laws for the government of the Territory.

The CHAIRMAN. What do you mean by the “unsettled, transient condition in Alaska?”

Mr. HOYT. It is an unsettled country—that is, the population is very sparse and very widely separated—and there is no contact between different localities, no opportunity to discuss and thrash out differences of opinion which are local in different communities, and the whole population put together would only make a small village—the whole white population—and for the government of an enormous country like that, with great natural resources, I don't think it would be wise to place it in the hands of a legislature that would be elected by people so situated and so circumstanced.

The CHAIRMAN. Suppose this question should be considered by the committee, whether a part of that legislature should be appointive and a part elective; what would you say to that?

Mr. HOYT. I would not be in favor of that. I think it ought to be wholly one or wholly the other.

The CHAIRMAN. Why?

Mr. HOYT. Because I don't believe in the creation of a house divided against itself.

The CHAIRMAN. In what respect would the house be divided against itself in that case?

Mr. HOYT. Because there would be a natural jealousy between the people elected by the people and the people appointed by the President. The people who were elected would insist upon it that they were the real representatives of the country, and it would seem to me that it would be inviting trouble instead of avoiding trouble to constitute a house in that way.

The CHAIRMAN. At the same time, the elective people would give the people an opportunity to express themselves locally. There would be that advantage, would there not?

Mr. HOYT. The expression of opinion which the elective people would make would be very apt, it seems to me, not to be an unprejudiced and a fair expression of the opinion of the people whose opinion should be expressed.



Mr. WICKERSHAM. Do you know, Mr. Hoyt, that we have had 3 elections of Delegates in Alaska?

Mr. HOYT. I didn't know, but I supposed so.

Mr. WICKERSHAM. In other words, there have been 3 Delegates elected.

Mr. HOYT. Yes; I remember when Mr. Waskey and Mr. Cale were elected, and I remember when you were elected.

Mr. WICKERSHAM. Now, Mr. Hoyt, you spoke about the people in Alaska not agreeing among themselves. Don't you know, as a matter of fact, that each of the three delegates carried each district in the territory; that there was no split in one portion of the territory against another?

Mr. HOYT. I am not surprised to hear that, but I never had sufficiently followed it to be so advised.

Mr. WICKERSHAM. At the time Mr. Waskey and Mr. Cale carried the southeastern portion of Alaska, the Juneau country, they also carried the interior, the Fairbanks country, as well as the Valdez country and the Nome country. Those portions are far distant from each other, are they not, comparatively?

Mr. HOYT. Yes, sir.

Mr. WICKERSHAM. Each of them carried each of those three judicial divisions of the Territory of Alaska, and they carried almost every precinct in the Territory, did they not?

Mr. HOYT. I am not surprised to learn that the people of Alaska have agreed upon what men they want to represent them in Congress; I am not surprised at that.

Mr. LLOYD. Why do you make that statement, Mr. Hoyt?

Mr. HOYT. Well, I mean it does not surprise me that they did agree.

Mr. LLOYD. Why would it not be surprising, in the light of what you said previously?

Mr. HOYT. What I said previously related more to localities.

Mr. LLOYD. But you are talking about the same people.

Mr. HOYT. I say that it is too much to ask of the Alaska people, scattered as they are, to agree on all of the little things which they want in the way of legislation for Alaska; but I did not mean by that to say that the Nome district, for instance, would necessarily have its heart set on one man for Congress, and some other division another man, because certain men get to be well known throughout Alaska, and it is quite natural that the Alaska people should unite in regard to some one of them to represent them in Congress.

Mr. LLOYD. Your argument if carried to extremes in reference to the mainland would be this: That the President of the United States could at the present time very wisely displace certain men in the present Congress, in both branches of it, and place in their stead men more in accord with the administrative sentiment, and thereby avoid the differences that exist in the legislative body. It would be the same principle exactly as you apply to Alaska, yet I suppose no man would be in favor of doing that?

Mr. HOYT. Well, some men might be. I am a man who would not be in favor of it. All I mean is this, that if you had a settled community, even though it were small in proportion to the country which they inhabit; if they are there and have their roots in the ground, and intend to spend their lives there, I would say, give them a represent-

ative government; let them elect their own people, if they are American people.

Mr. LLOYD. Isn't this true, Mr. Hoyt, that in the Republic, viewing it from the standpoint of the state or national government, if the various members of the legislative body were appointed there would likely be much more harmony in the legislative body than if they were elected?

Mr. HOYT. I think that would be true; yes.

Mr. LLOYD. And just as much so on the mainland as it would be in Alaska?

Mr. HOYT. Yes; I think that is true.

The CHAIRMAN. If they were all appointed by one administration?

Mr. LLOYD. Certainly.

Mr. WICKERSHAM. Is not this true, that telegraph lines connect all parts of Alaska?

Mr. HOYT. Yes, sir.

Mr. WICKERSHAM. And are there not 25 newspapers in the Territory?

Mr. HOYT. Yes, sir.

Mr. WICKERSHAM. So that the people understand everything that transpires publicly?

Mr. HOYT. Of course they all read; yes.

Mr. WICKERSHAM. As American citizens, they understand, I mean.

Mr. HOYT. Certainly; and I would like to ask you a question. Do you think the newspapers in Alaska are well calculated to give people correct information as to what is going on in Alaska?

Mr. WICKERSHAM. Oh, I think they are as well calculated as newspapers anywhere else in the world are; yes.

Mr. HOYT. I don't think they are, from what I have seen of them.

Mr. LLOYD. Do they belong to an exclusive class rather than——

Mr. HOYT. The newspaper business in Alaska is too small a business for good men to be engaged in, mostly.

Mr. WICKERSHAM. You think they are not good men—at least not calculated to set a good example for the communities?

Mr. HOYT. I do not want to file a wholesale condemnation against newspaper men in Alaska, but I have never seen any very good newspapers in Alaska.

Mr. WICKERSHAM. Did you ever read any of our Fairbanks papers?

Mr. HOYT. Yes. [Laughter.]

Mr. WICKERSHAM. Well, in what respect, Mr. Hoyt, don't you think they are good, or in what respect do you think they are bad?

Mr. HOYT. If the committee will excuse me from going further into that, I would prefer it.

The CHAIRMAN. Very well.

Mr. WICKERSHAM. Now, Mr. Hoyt, you say that the communities there are new. Don't you know that Sitka and Wrangle, and Kodiak and Unalaska, and a great many other places, have been settlements for more than forty years under American rule?

Mr. HOYT. Yes.

Mr. WICKERSHAM. And that all of the larger towns are more than 10 years old, including Nome; isn't that true?

Mr. HOYT. Yes. I think Fairbanks, however, is not quite 10 years old, though I may be mistaken about that.

Mr. WICKERSHAM. Fairbanks was settled in 1903, 1904, and 1905.

The CHAIRMAN. What started Fairbanks?



Mr. WICKERSHAM. Mines. I went to Fairbanks in 1903 the first time. Still, the people are living in Alaska just as they have always lived there, are they not, Mr. Hoyt?

Mr. HOYT. Well, the people who go to Alaska, and I mean the well-to-do people with money to invest, or something of that kind, so far as I know, do not go there with the intention of making it their permanent home. They do not go there for that purpose.

Mr. WICKERSHAM. Do you think that is true of the Seward Peninsula?

Mr. HOYT. Oh, I think that is true all over Alaska.

Mr. WICKERSHAM. It is?

Mr. HOYT. Yes.

Mr. WICKERSHAM. But they do remain there?

Mr. HOYT. As I have talked with people in Alaska I have not seen anybody up there who intended to spend his life there.

Mr. WICKERSHAM. But they have been there all these years; they have their schools and churches and court-houses and their homes, do they not?

Mr. HOYT. Some of them are going there all the time; some of them live there all the time.

Mr. LLOYD. Isn't it usually true that it is the people who live in the well-settled communities who go to the country that is sparsely settled, and that they go with the idea of staying long enough to make a little stake and then come back and settle in the home community?

Mr. HOYT. That has been true, I think, very largely in the West.

Mr. LLOYD. I am very sure that that is true in the locality in which I live in Missouri. There have been hundreds and thousands of people from Missouri who have gone westward with the idea of making a little fortune, and then coming back home to locate at home and stay there the rest of their days; but of course, as they go west, they get interested in the West and many of them remain there.

Mr. HOYT. Of course that is true.

The CHAIRMAN. Now, I suppose the real question is, What is there in Alaska that would attract and hold a permanent population as time goes on?

Mr. WICKERSHAM. Do you know anything about trade in Alaska for the last three or four or five years, as to its increasing or decreasing?

Mr. HOYT. No; I do not.

Mr. WICKERSHAM. You said that in 1907 you saw the beginning of a decrease at Nome?

Mr. HOYT. I am speaking about what seemed to be the consensus of opinion of the people who lived in Nome, to the effect that the population was beginning to decrease.

Mr. WICKERSHAM. Don't you know that the trade of Alaska in all of these years has been increasing steadily from year to year?

Mr. HOYT. Yes; I should anticipate it would.

Mr. WICKERSHAM. Last year it was more than \$60,000,000.

Mr. HOYT. What was it about three years ago?

Mr. WICKERSHAM. The imports and exports into and from Alaska amounted to \$60,000,000 and a little more, for the year ending February 1.

Mr. HOYT. By comparison with three years ago, what would that be?

Mr. WICKERSHAM. 1906 is the single year in which it was a little more than that.

The CHAIRMAN. I would like to ask why you say that you had anticipated that the trade would increase?

Mr. HOYT. Because I did not believe that the whole of Alaska had by any means reached the apex of its development, and I don't think it will for a good many years.

Mr. WICKERSHAM. Do you think the Seward Peninsula has reached the apex of its development?

Mr. HOYT. Oh, yes.

Mr. WICKERSHAM. And is decreasing?

Mr. HOYT. Yes.

Mr. WICKERSHAM. Don't you know that the Geological Survey says now that there is more placer gold on the Seward Peninsula than there is in California?

Mr. HOYT. I don't know what the Geological Survey says.

Mr. WICKERSHAM. But if they do say that?

Mr. HOYT. Then I have no doubt it is true. What I do believe is that the Seward Peninsula has been practically prospected by this time, and that the attractive and easily available placers have been practically discovered.

Mr. WICKERSHAM. Do you mean by that the hand mining?

Mr. HOYT. Not necessarily the hand mining, but I mean the deep placers, too. I think they have been practically prospected.

Mr. WICKERSHAM. Don't you think they are getting into the dredging proposition now?

Mr. HOYT. Yes; and the dredging proposition uses very few men, and uses great power.

Mr. WICKERSHAM. But that will depend upon the number of dredges, as to the population that will engage in dredging—isn't that correct?

Mr. HOYT. Yes; of course.

Mr. WICKERSHAM. What about the coal and tin and other resources of that peninsula?

Mr. HOYT. The tin, so far as I know, was in a prospective stage as long as I was up there, with probably a good future, but not by any means an assured future. As to the coal, I never heard of any in the Seward Peninsula excepting at Candle Creek, and that was locally used.

Mr. WICKERSHAM. There are immense bodies of coal above the Seward Peninsula, in the neighborhood of Cape Lisburne, and in that region, are there not?

Mr. HOYT. I don't know that.

The CHAIRMAN. What kind of coal is that?

Mr. WICKERSHAM. It is a good grade of lignite coal; it is not an anthracite. It may be a bituminous coal, but I am not prepared to say about that.

I have here, Mr. Hoyt, the report of the United States customs service for the year ending February 1, 1910, and in this report the customs department says:

The total business for 1909, over \$60,000,000, is between seven and eight million dollars greater than during 1907 and 1908 and is within \$3,000,000 of that for 1906, which was the banner year in the history of the district.



Now, with the exception of 1906, the trade of last year was larger than any other year in the history of Alaska. There has been a steady increase in the trade of Alaska for the last twenty years, last year being the largest of our trade years excepting the one of 1906. Do you know of any reason why that should be true?

Mr. HOYT. Yes; I think that Alaska will keep right on.

Mr. WICKERSHAM. Increasing?

Mr. HOYT. Increasing, yes; for many years, and eventually support a very large population, something like Norway and Sweden.

Mr. WICKERSHAM. You have never been in the Kuskokwim Valley?

Mr. HOYT. No.

Mr. WICKERSHAM. Well, I have been to the head of the Kantishna River, which is a branch of the Tanana River running from the south, and between that river and the Kuskokwim is a perfectly level country, so that it is practically the Tanana Valley, as you saw it extending by the Kantishna River into the Kuskokwim Valley. That valley is probably a thousand miles in length, from the upper end of the Tanana through the Kantishna to the Kuskokwim. Do you know of any reason why those enormous valleys should not be filled with people?

Mr. HOYT. No; I think they will, but as I said a while ago, I think it will be a utilization of the soil as the land becomes scarce throughout the world, and the raising of crops for their own home consumption. That is the way I regard it.

The CHAIRMAN. Something like the conditions in Finland?

Mr. HOYT. Yes, sir.

The CHAIRMAN. That is about the same latitude?

Mr. HOYT. It is a cold and inhospitable country—that is, not attractive to the race, excepting you might say to people who come from a similar country, and who like those conditions.

Mr. WICKERSHAM. You have remained all winter upon the Seward Peninsula, haven't you?

Mr. HOYT. Two winters.

Mr. WICKERSHAM. The Seward Peninsula is almost surrounded by the sea, is it not?

Mr. HOYT. It is, with the exception of one side; yes, sir.

Mr. WICKERSHAM. There is Kotzebue Sound on the north?

Mr. HOYT. Yes; and Norton Sound on the south.

Mr. WICKERSHAM. So that it is almost surrounded by those big bodies of water, which are frozen over in the winter time, and the ice is washed backward and forward by the tides of the sea. The cold winds sweep over it—isn't that true?

Mr. HOYT. But it is not near as cold as the interior.

Mr. WICKERSHAM. Have you remained a winter at Fairbanks?

Mr. HOYT. Oh, no; but I am speaking of temperature. The winds, of course, are very slight in the interior of Alaska during the winter.

Mr. WICKERSHAM. But you spoke of a temperature a while ago of 80° below zero. When did you know of that in the interior?

Mr. HOYT. Eighty-four degrees below zero is the government record at Dawson on the Canadian side for several consecutive years, and 72° below zero, I think, is the average minimum at Fairbanks, and it gets as low as 80° below at Fairbanks.

Mr. WICKERSHAM. I have remained there for several years and I never heard of it before.

Mr. HOYT. Do you think you would notice any great difference between 50° below zero and 80° below zero?

Mr. WICKERSHAM. Not very much, no; and when we have those extremely cold days they are only for a few days at a time, and that in December and January, when, as you say, a few degrees more or less does not make any difference. You have been there in the summer time, have you not?

Mr. HOYT. Yes, sir.

Mr. WICKERSHAM. Isn't it a delightful climate?

Mr. HOYT. Fine; yes.

Mr. WICKERSHAM. Now, you say that in your judgment it would be better to have an appointive legislature in Alaska, to be appointed by the President?

Mr. HOYT. To be appointed by somebody; yes.

Mr. WICKERSHAM. By whom should the members of the legislature be appointed?

Mr. HOYT. I think they should be presidential appointments.

Mr. WICKERSHAM. I agree with you that if they should be appointed at all they ought to be appointed by the President. Now, you have been in Porto Rico for some time. In what capacity?

Mr. HOYT. Attorney-general of Porto Rico.

Mr. WICKERSHAM. Are you a member of the legislature of Porto Rico?

Mr. HOYT. Yes.

Mr. WICKERSHAM. By appointment of the President?

Mr. HOYT. Yes.

Mr. WICKERSHAM. Will you please explain to this committee now whether you have one or two houses there?

Mr. HOYT. We have two houses of the legislature, the lower house being elected by the people, containing 35 members, 7 from each of the five districts; and the upper house is called the executive council, and consists of the 6 heads of departments and 5 other native Porto Ricans appointed by the President. The 6 heads of the departments may or may not be Americans; as a matter of fact, they always have been Americans, but the whole council is appointed by the President.

Mr. WICKERSHAM. Have any of them ever been military officers?

Mr. HOYT. Never.

Mr. WICKERSHAM. There never has been a military officer appointed to the legislature of Porto Rico so far as you know?

Mr. HOYT. I know that there never has been.

Mr. WICKERSHAM. Well, now, you spoke of there being a disagreement between the two houses. I wish you would tell the committee about that.

Mr. HOYT. When did I speak of that?

Mr. WICKERSHAM. You spoke of a disagreement between the two, one being appointive and one elective, because——

The CHAIRMAN. He spoke of that in this connection, I think——

Mr. WICKERSHAM. He had no reference to Porto Rico.

The CHAIRMAN. He spoke with reference to one part being appointive and the other part being elective.

Mr. HOYT. I said, as I think you will remember, that it would constitute a house divided against itself, in the very nature of things.

Mr. WICKERSHAM. Isn't that practically the situation that you are in now in Porto Rico?



Mr. HOYT. No; I don't think so.

Mr. WICKERSHAM. You have a great deal of trouble between the appointive and the elective houses there, do you not?

Mr. HOYT. I think we have the best government in Porto Rico that I have ever lived under. We have a government in which there is a perfect check against unwise legislation by having one house constituted in one way and the other house constituted in another way.

Mr. WICKERSHAM. Isn't that rather against the theory that you were talking about a while ago, one part elective and one part appointive?

Mr. HOYT. No; because I don't think we have in Porto Rico itself anything which is, in the nature of things, a house divided against itself; in other words, I think the elective body will reach its conclusions, and propose its legislation, and I think the appointive body will also reach its conclusions, and propose its legislation, and that the result of the two forces acting together will be that no legislation will be accomplished excepting what is wise legislation.

Mr. WICKERSHAM. That is because the appointive body can put the veto power upon the elective body.

Mr. HOYT. And the elective body can likewise put a similar veto upon the appointive body.

Mr. WICKERSHAM. A bill has to pass both Houses?

Mr. HOYT. And to be approved by the governor. And it is subject to the same veto conditions that you have in the United States.

Mr. WICKERSHAM. Do you think that that is a very wise system?

Mr. HOYT. I think it is an excellent system.

Mr. WICKERSHAM. There has been a great deal of trouble about it in Porto Rico, has there not?

Mr. HOYT. I think there has been a little trouble. There was one serious trouble that arose from the fact that Congress, in making provision for Porto Rico in the Foraker Act, had neglected to make the kind of provision which they did make in the case of Hawaii and the Philippines, that of providing against the failure to pass the legislative appropriation bill. That, of course, did make a bone of contention, and it gave the lower elective house an opportunity to say to the other house: "Unless you will pass the measures which we are in favor of, and which we call very liberal measures, we will not appropriate; we will not pass the appropriation bills;" and it resulted finally in what had been foreseen for many years, a deadlock, in which they could not go any further. But then when Congress passed the Olmsted Act about a year ago—June 15, 1909, was the date of the Olmsted Act, I think—that in my judgment solved the principal problem which there was in Porto Rico, and the result of it has been that we have in Porto Rico what both the friends and the enemies of that form of government agree is an admirable government.

Mr. WICKERSHAM. Wouldn't it be just as good a government if the upper house was elected?

Mr. HOYT. I don't believe it would.

Mr. WICKERSHAM. Why not?

Mr. HOYT. I don't think so, because I don't think that the Porto Rican people are nearly as well qualified to finally and conclusively adopt legislation as the people of Alaska.

Mr. WICKERSHAM. Even if the people of Alaska had an elective legislature there would be the governor's veto against unwise legislation, would there not?

Mr. HOYT. But it seems to me that you have got to have a body so constituted that you will secure wise legislation.

Mr. WICKERSHAM. Don't you think that the American citizens of Alaska could do that?

Mr. HOYT. In the proportion in which the American citizens are in Alaska now, I do not much believe they would. I think the most serious difficulty would be—I will say a word now on behalf of the so-called "interests"—I think the most serious difficulty would be that the men of substance of Alaska, I mean by that the men who own all kinds of property, the mines, and everything that people own in Alaska, would get very much the worst of it under that form of government.

Mr. WICKERSHAM. Why do you think they would get the worst of it?

Mr. HOYT. Because I think that the people who would be elected would be naturally hostile to the men who have invested the money in Alaska.

Mr. WICKERSHAM. Don't you know that almost every man in Alaska is a mine owner?

Mr. HOYT. Well, almost every man in Alaska, I imagine, has got some sort of a claim, but I would not say that I thought that one man out of twenty in Alaska is a mine owner.

Mr. WICKERSHAM. Do you think all the men of substance would get the worst of it?

Mr. HOYT. I do.

Mr. WICKERSHAM. In what way?

Mr. HOYT. I think the character of the legislation would be such that you would set back the material development of the country. The legislation would be a discouragement to capital.

Mr. WICKERSHAM. Do you think it would be any worse than Congress is giving us, or rather not giving us?

Mr. HOYT. I think it would be worse.

Mr. WICKERSHAM. In what respect?

Mr. HOYT. I suppose you mean the sins of omission as well as the sins of commission.

The CHAIRMAN. The sins of omission more than the sins of commission?

Mr. LLOYD. Right in that connection, Mr. Hoyt, you say that if the people were to elect their own legislative body the interests would get the worst of it?

Mr. HOYT. Well, let us not use the word "interests." I used that word in a semihumorous sense.

Mr. LLOYD. And the converse of that would be that the men of substance would get the best of it if there should be an appointive legislature?

Mr. HOYT. I don't think so.

Mr. LLOYD. Well, why not?

Mr. HOYT. From my experience in Porto Rico I am led to believe that the people appointed by the President have shown and exercised a genuine patriotic desire to promote the welfare of the people at large in Porto Rico.



Mr. LLOYD. Why would you say that an appointive body is any more patriotic than an elective body?

Mr. HOYT. Because I think—I am only speaking of Alaska, if you will recollect.

Mr. LLOYD. You spoke of Porto Rico, too.

Mr. HOYT. I don't think that an appointive body is more patriotic than an elective body, but under the peculiar conditions——

Mr. LLOYD. But you intimated that, so far as Porto Rico is concerned.

Mr. HOYT. I think it depends upon the people who do the electing.

Mr. LLOYD. You don't think a man appointed to office is any more patriotic than a man elected to office, do you?

Mr. HOYT. Not by virtue of the fact that he is appointed, no.

Mr. LLOYD. Isn't it true that a man who is appointed to office becomes subject to the appointing power, and because of that he loses something of his patriotism because he loses his individuality?

Mr. HOYT. I don't think so at all. I think that is the old bugaboo——

Mr. LLOYD. Now, isn't it true——

Mr. HOYT. But let me finish my answer. I think that is the old bugaboo of what is often called contemptuously "carpetbag government." I think that arises from the history of the South in the reconstruction days.

Mr. LLOYD. I would not want to use it in that way.

Mr. HOYT. There is a prejudice against so-called carpetbag government. In the Territories of the West there were excellent results flowing from appointive or semiappointive legislatures.

Mr. WICKERSHAM. What Territory in the West?

Mr. HOYT. The northwest ordinance.

Mr. WICKERSHAM. What Territory had an appointive legislature under the northwest ordinance?

Mr. HOYT. The whole Northwest Territory.

Mr. WICKERSHAM. Did they ever pass a law?

Mr. HOYT. I don't know about that.

Mr. WICKERSHAM. How do you know that it was any better than if it had been elected?

Mr. HOYT. I don't know that it was.

Mr. WICKERSHAM. Don't you know that for more than a hundred years there has never been a legislature appointed in a United States Territory excepting in Porto Rico and in the Philippines?

Mr. HOYT. I think that throughout our western territory we have had a homogeneous, a progressive, and a liberal lot of people.

Mr. LLOYD. And the same kind of people now live in Alaska.

Mr. HOYT. To a very large extent the same sort of people; but they have not advanced, in my opinion, to such a point of development in Alaska where the time is ripe to have them go to work and elect a legislature.

Mr. WICKERSHAM. I want to know why?

The CHAIRMAN. Suppose we do this: I think I can guess what Mr. Hoyt has in mind. It may be that he does not want to put that in the record. Would you object to leaving out of the record this discussion, and stating to us frankly what you think about it?

Mr. HOYT. Let me say that I haven't any views that the world is not at liberty to hear.

Mr. WICKERSHAM. My opinion is that he is not afraid to put it in the record.

Mr. HOYT. I suppose that what the chairman refers to is something that has not been specifically discussed here, and that is the labor situation in Alaska, but of course I have spent my life in various places where there have been labor difficulties; I have lived for many years near the Idaho and Montana mining region, that is at Spokane, Wash., for sixteen years; I originally came from Pennsylvania, and have spent three years in Alaska. So I know something about labor troubles. I think that it is practically agreed that a mining population is, for some mysterious reason which we do not understand, inclined to be a turbulent population and a troublesome population. I think that that fact is pretty well shown in the history of Pennsylvania, Colorado, Montana, and Idaho. Now, I think that if you put the whole labor population in Alaska in entire charge of things up there, you simply will not get as good results as you would get if you pursued a conservative policy and chose from the Alaska people a lot of level-headed men who know the country, will acquaint themselves with conditions there, and formulate the legislation for that country. I think you will get better results under those conditions.

Mr. LLOYD. Does Judge Wickersham belong to the labor class?

Mr. HOYT. Certainly he does not belong to the labor class.

Mr. LLOYD. Why would you infer that their elected members to any kind of a legislative body would belong to the labor class?

Mr. HOYT. I didn't say that they would. I don't believe they would, either. I think they would be likely to be fellows like "Big Steve," in Nome, the editor of the Nome Gold Digger, and a lot of other irresponsible persons.

Mr. LLOYD. Big Steve, whom you speak of, is not a miner, is he?

Mr. HOYT. Not that I ever heard of.

Mr. LLOYD. Isn't he a Socialist?

Mr. HOYT. I don't know.

Mr. WICKERSHAM. No; he is a newspaper man.

Mr. LLOYD. There are a few newspaper men who are Socialists; not many, but a few.

Mr. WICKERSHAM. Do you object to giving the people of Alaska the benefits of this bill, and do you object to their having an elective legislature merely because they are working people?

Mr. HOYT. No; not at all.

Mr. WICKERSHAM. What is your real objection?

Mr. HOYT. I have tried to explain pretty clearly what it is. I certainly have not tried to advance any fanciful objections.

Mr. LLOYD. Now, to get back to the merits of the proposition, what would you say to adopting the same sort of system that has been adopted in Porto Rico? You say that that is an ideal government. Why not apply that to Alaska?

Mr. HOYT. Well, I don't think I said that that was an ideal government. I said that it was the best government that I had ever lived under.

Mr. LLOYD. I beg pardon, I did express it in different terms from what you did, but then if it is the best government that you have ever



lived under I take that to be the nearest ideal of any government under which you have lived.

Mr. HOYT. I did not say whether it was a good or a bad form of government, but I simply said that it was a government which had been attended with good results in Porto Rico.

Mr. LLOYD. You might have stated that of the Canadian government, also.

Mr. HOYT. Yes; I think the Canadian government is a fine government.

Mr. LLOYD. But because the Canadian government is a fine government would not necessarily mean that you would want to adopt the Canadian system?

Mr. HOYT. No; because, you see, if we were going to have all the governments which I think are fine governments, we would have to adopt too many. I think England has the best government in the world.

Mr. LLOYD. Now, to get back to the other proposition; you expressed your idea that this is the best government under which you have lived. Why would not that form of government apply to Alaska? Why would it not be a good government there as well as in Porto Rico?

Mr. HOYT. I think it would be a good government there.

Mr. LLOYD. With one branch appointed by the President and the other elected by the people?

Mr. HOYT. But perhaps needlessly expensive, and perhaps also it might not be attended with as good results in Alaska as in Porto Rico, by reason of the population not being more settled and more dense.

Mr. LLOYD. Could not the expense part of it be overcome by making the body a little smaller? Instead of having 35 people in the lower body, we might have a less number.

Mr. HOYT. Yes, that might be done. But I don't really think it is quite fair to urge that because our American traditions and institutions point to a representative form of government that therefore in every country or dependency governed by the United States that would be necessarily the best form; in other words, I don't think there is anything peculiarly sacred about representative government in Alaska.

The CHAIRMAN. Isn't it true that Mexico has practically the constitution that we have in the United States?

Mr. HOYT. I rather think so.

The CHAIRMAN. Does it not in the last analysis get back to this, then, that the success of a government depends largely upon the character of the people who make up the nation or country governed?

Mr. HOYT. I think so; yes.

Mr. LLOYD. And Mexico has not as good a government because its people are not as easily controlled as the Canadians, for instance, comparing the two. Canada has a better government simply because it has a better people. I don't mean better people so far as innate goodness is concerned.

Mr. HOYT. A more conservative, quiet, and orderly race of people—I think that is true.

Mr. LLOYD. Any kind of a government would be more successful in Canada than in Mexico because of a different class of people.

The CHAIRMAN. The republics of South America have not shown any great stability under the republican form of government.

Mr. HOYT. Although some of them have the finest constitutions that a man ever read.

Mr. LLOYD. Now, to get back to Alaska. Alaska is composed very largely of people that composed the western portion of the United States, and you would have some of the same disturbing elements that are found in the western portions of the United States, as well as some of the best elements that compose it?

Mr. HOYT. The chief objection which I have to an elective legislature in Alaska is that the population is not a fixed population. Suppose over in the Kuskokwim country a new placer field were discovered of the richness of the Nome placers, why, it would depopulate Alaska. The whole country would go there in no time at all.

Mr. WICKERSHAM. Don't you know that just that situation arose last year, at Iditarod?

Mr. HOYT. I didn't know; no.

Mr. WICKERSHAM. Now, the government finally gets back, then, to the character of the people who compose the government, and don't you think that the people of Alaska are of a good character?

Mr. HOYT. I do; of a very fine character.

Mr. WICKERSHAM. Then we would be liable to have a good government with that character of people?

Mr. HOYT. Under proper conditions, and with a properly settled order of things, I think you would have a good government; and eventually I would be the strongest exponent of a representative government in Alaska.

Mr. WICKERSHAM. Now, Alaska is a Territory, you understand.

Mr. HOYT. Yes; I understand.

Mr. WICKERSHAM. What about Porto Rico?

Mr. HOYT. Porto Rico is a Territory also.

The CHAIRMAN. You are appurtenant to and belonging to the United States, in the language of the Supreme Court of the United States.

Mr. HOYT. The Supreme Court has held that Porto Rico is an organized but not an incorporate Territory.

Mr. WICKERSHAM. That court has also held that Alaska is an organized and an incorporate Territory?

Mr. HOYT. They have held that it was an incorporate Territory but they have never held that it was an organized Territory.

Mr. WICKERSHAM. If I got the decision, would you believe it?

Mr. HOYT. Oh, yes.

Mr. WICKERSHAM. In the Binns case they held squarely that it was an organized Territory and an incorporated Territory in the Rasmussen case.

Mr. HOYT. Yes.

Mr. WICKERSHAM. Well, that is all.

Mr. HOYT. May I testify a little about one or two features of this bill? I can be through in ten minutes, which will save my coming back to-morrow.

The CHAIRMAN. Yes.

Mr. HOYT. I find in section 3, page 3, lines 23, 24, and 25, that among the duties of the Attorney-General is this:

Consult and advise with the several district attorneys in matters relating to the duties of their office, and supervise the conduct of the same.



I think you should modify that so as not to take from the Attorney-General of the United States the supervision of the United States attorneys in Alaska in matters of United States rather than Alaska jurisdiction. In Alaska you have the dual system, of course, the United States Government and the Alaskan government; you have United States laws and the Alaskan code, and the United States attorneys not only perform the duties of United States attorneys in the United States, but they also enforce all of the criminal statutes of the code of Alaska, so that they occupy a dual capacity in Alaska. Now, your local attorney-general it seems to me, ought not to supervise his conduct excepting on Alaskan matters.

The CHAIRMAN. What is the language that you refer to?

Mr. HOYT. This language at the bottom of page 3 of the bill (H. R. 19860): "Consult and advise with the several district attorneys in matters relating to the duties of their office, and to supervise the conduct of the same." I would say "relative to Alaska matters," or "relative to the laws of Alaska."

The CHAIRMAN. In the revision of your remarks, will you please incorporate your suggestion in an amendment covering that particular point?

Mr. HOYT. Yes.

Now, you will find by parity of reasoning that a like provision was made in section 8 of this reprint of Mr. Fink's remarks, where it speaks of the commissioner of harbors, rivers, and light-houses, that in all matters relating to the duties of defense, such reports should be made to the Secretary of the Navy. In other words, it should be understood that in matters relating entirely to United States jurisdiction, federal crimes, or anything of that sort, that he ought to be under the supervision of the Attorney-General of the United States, rather than the attorney-general of Alaska.

Now, when it comes to the provision relating to franchises, which is section 10 of this bill, there are several matters which I want to suggest there which have grown out of my experience in Porto Rico. It seems to me that there may be occasions for the granting of franchises which are not franchises for public utilities; at least we have found it so in Porto Rico. For instance, if a man has a house and a factory miles apart it might be desirable to give him a right of way over government land for the building of a private telephone line, or something like that; something that would not harm the public in any way, but not necessarily be a public utility. So I think there should be some power given to the legislature of Alaska to grant franchises which are not necessarily of a public nature.

Then I think I have noticed that you have made no provision for the approval of franchises by the President of the United States, nor by the governor in Alaska, or anybody else. And simply arguing from analogy in Porto Rico, I should think they ought to be subject to the approval of somebody, a court of review, in order to stop some unwise grant of a franchise before it gets too far.

The CHAIRMAN. I would suggest that in the revision of your remarks you put your suggestions in these respects into concrete form in the way of some suggested amendments.

Mr. HOYT. Yes. In the same way, I think you had better avoid any question about amendment, alteration, or repeal of franchises.



The CHAIRMAN. You may take a copy of the bill and incorporate those features along the line of your representations, so that we may have it before us, if you desire.

Mr. HOYT. Very well. I think you should make a plan of amendment, alteration, and repeal of franchises, either when such amendments, alterations, and repeals have been approved by the governor, or by the President, or by both, because that is a question which has always been unsettled in Porto Rico, as to whether the council can amend a franchise and have such amendment become effective on their action alone and without other approval.

The CHAIRMAN. Have you looked at the new law regarding Porto Rico as bearing upon these questions?

Mr. HOYT. I have looked at it in every other respect, excepting as to the last matter that I mentioned. In section 10, near the end of the section, beginning at line 18, the bill reads:

And in the case of public service corporations shall provide for the effective regulation of the charges thereof;

and I would put in there "charges and conditions of service." And in the same place I would provide that railroad franchises shall require, subject to the order of the executive council or the legislature, physical connection with other railroad lines and the right on the part of the legislature to prescribe joint rates and conditions of service for the connecting lines. I think that is an important feature, because there have been a great many occasions in which it has been found impossible to exercise that sort of control unless it has been especially provided for in the law.

Mr. WICKERSHAM. Do you mean to do away with the interstate commerce laws and give that power to the appointive legislature in Alaska?

Mr. HOYT. I mean that I would have every franchise require—have stated in the franchise itself—that it shall be subject to the requirement that the road may be physically connected with other lines, and joint rates regulated by the same legislative council.

The CHAIRMAN. Suppose it was a line running in such a way that it could not be connected with other lines?

Mr. HOYT. I mean wherever that is the case; in other words, so that the railroads can not take the position that they will not handle one another's traffic.

Mr. McKINNEY. The purpose was, then, to leave the enforcement in the hands of the Interstate Commerce Commission.

Mr. HOYT. Not necessarily; I don't see why. The Interstate Commerce Commission does not interfere in our regulations of franchises in Porto Rico.

Mr. WICKERSHAM. The interstate commerce laws do not apply to Porto Rico.

Mr. HOYT. Yes; they do. The laws of the United States are applicable to Porto Rico; in other words, the Interstate Commerce Commission could inject itself into any controversy of that kind down there if they chose to do so.

Mr. WICKERSHAM. But it never has.

Mr. HOYT. But it is better to leave that to the local legislature until occasion arises.



The CHAIRMAN. There would be no conflict in the suggestions which you are now making in the way of franchises and the exercise of power by the Interstate Commerce Commission?

Mr. HOYT. Not at all.

Now, one more little thing—it may not be considered so very little, either—which will take but a moment. I would be opposed, in section 15, to giving to Alaska all amounts of money received from the sale of coal lands.

Mr. WICKERSHAM. Why?

Mr. HOYT. I know that there are persons who take the position that the coal lands of Alaska should not be regarded as an asset of the United States, but simply as a local asset, to be administered for the benefit of Alaska. But I don't entertain that view about that matter. I strongly believe that the coal lands of Alaska are an asset of the United States.

Mr. WICKERSHAM. To be exploited, and the money to be put in the Treasury of the United States? Is that your idea?

Mr. HOYT. I think it would be very difficult to take a step backward if we took this step forward that you propose here. I know that in the State of Pennsylvania, for instance, the original coal leases only paid a royalty to the owners of the land of about 10 cents per ton; and that gradually, as their value became more and more appreciated, the owners of the mines were very glad to get leases at 35 cents a ton; and it is too big a thing to give to Alaska, without further consideration, it seems to me. I would be in favor in that section of saying that all amounts received from the sale of timber lands in other parts of the public domain in Alaska other than coal lands—I would except coal lands.

Mr. WICKERSHAM. Why not except copper? We have the richest copper mines in the world.

Mr. HOYT. Well, the policy of the United States Government has always been different in the matter of coal lands from what it has been in the matter of gold and copper and other metals.

Mr. WICKERSHAM. Can you show any difference in principle?

Mr. HOYT. Yes; I can. Coal is not so difficult to discover. It is not the prospector who finds the coal, but it is the Government which finds the coal. The prospector is the one who finds the gold, silver, and copper mines, and I think he ought to get the reward for his industry and vigilance.

Mr. WICKERSHAM. Isn't it true that the prospector has followed the Geological Survey in so far as copper and gold is concerned in Alaska very largely?

Mr. HOYT. I did not know that that was so, and I hardly believe that it is so.

The CHAIRMAN. Are you in favor of leasing or selling outright these coal lands?

Mr. HOYT. I feel that that is a great big subject which must be settled in the future with very great care in order to do all around justice to everybody. But, as I understand it, the coal in Alaska is going to be developed at a time when coal will be very immensely valuable, and it would seem to me like taking a very insufficiently considered action at this time to say in an act of Congress that the income from the coal of Alaska shall always go into the revenues of Alaska alone.



Mr. WICKERSHAM. That never has been done in any other Territory, has it, Mr. Hoyt?

Mr. HOYT. No.

Mr. WICKERSHAM. That clause has never, so far as I know, been in any other bill.

(Adjourned at 12 o'clock and 10 minutes p. m.)

[H. R. 19860. Sixty-first Congress, second session.]

A BILL To create a legislative council in the Territory of Alaska, to confer legislative powers thereon, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be appointed by the President, by and with the advise and consent of the Senate, for the period of four years, unless sooner removed by the President, a governor, an attorney-general, a commissioner of the interior, a commissioner of education and health, and a commissioner of mines, who shall reside in Alaska during their term of office and have the powers and duties hereinafter provided for them, respectively, and who, together with four other persons, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute a legislative council, at least four members of which shall be, when appointed, residents of the Territory of Alaska, one in each of the four judicial divisions into which the district is now divided, and in addition to the legislative duties hereinafter imposed upon them as a body shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such legislative council: *Provided*, That the governor of Alaska shall be the presiding officer of the legislative council: *And provided further*, That the President may designate a member of the legislative council as vice-governor, and in the case of the death, removal, resignation, or disability of the governor, or his temporary absence from Alaska, the vice-governor shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

SEC. 2. That the official title of the chief executive officer shall be "the governor of Alaska." He shall maintain his office at the seat of government; he may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Alaska, and also grant respites for offenses against the laws of the United States until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and may veto any legislation enacted as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; and he shall annually, and at such other times as he may be required, make official report of the transactions of the government in Alaska to such executive department of the Government of the United States as may be designated by the President; and the President is authorized to place all matters pertaining to the government of Alaska in the jurisdiction: *Provided*, That the President may, in his discretion, delegate and assign to the governor such executive duties and functions as may in pursuance of law be so delegated and assigned.

SEC. 3. That the attorney-general shall, when requested by the governor or legislative council, give written opinions upon all legal or constitutional questions relating to the powers or duties of the legislative council or of any territorial official, or relating to territorial affairs; prepare, when requested by the governor or the legislative council, such bills as they may suggest for legislative consideration; prepare, when necessary and required, proper drafts of contracts and other writings relating to subjects in which the Territory is interested; consult and advise with the several district attorneys in matters relating to the duties of their office, and supervise the conduct of the same *except as to proceedings under United States statutes of general application, which latter proceedings shall continue to be under the direction of the Attorney-General of the United States*; and, when requested by the governor, he shall attend and take part in the trial of any cause, civil or criminal, in which the Territory is interested, and shall perform such other duties as may from time to time be prescribed by law.

SEC. 4. That the commissioner of the interior shall superintend all works of a public nature carried on pursuant to the authority of the legislative council or placed in his charge by Congress, and shall have charge of all public buildings, grounds, and lands assigned for the use of the government of Alaska, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law and make such reports to the governor as he may require.



The board of road commissioners for Alaska, created by the Act of Congress approved January twenty-seventh, nineteen hundred and five, shall lay before the commissioner of the interior, for the approval of the legislative council, the plans and estimates for roads and trails which it is proposed to construct and maintain out of Alaskan revenues.

SEC. 5. That the commissioner of education and health shall superintend public instruction throughout Alaska, including public schools for the education of Eskimos and Indians. He shall have supervision of sanitary matters, and he shall perform such other duties as may be prescribed by law and make such reports to the governor as he may require.

SEC. 6. That the commissioner of mines shall perform such duties in connection with mines and mining as may be prescribed by law and make such reports to the governor as he may require.

SEC. 7. That the other four members of the legislative council, appointed as hereinbefore provided, shall attend all meetings of the legislative council and participate in all business of every character that may be transacted by it, and each of said four members of the legislative council shall receive as compensation, to be paid out of the United States Treasury, twenty-five dollars per day for each day's attendance while the legislative council is in session, and mileage in addition at the rate of fifteen cents a mile from his home to the capital and return by the nearest traveled route.

SEC. 8. That the Constitution and, except as otherwise provided, all the laws of the United States enacted hereafter, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within Alaska as elsewhere in the United States. That except as herein provided all laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Act of Congress or by the legislative authority herein conferred on the legislative council: *Provided*, That the authority herein granted to the legislative council to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal-revenue, postal, or other general laws of the United States. And the legislative council shall pass no law depriving the judges and officers of the district court of Alaska of any authority or function exercised by like judges or officers of district courts of the United States.

SEC. 9. That the legislative authority herein provided shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States hereafter enacted, and the legislative council shall have the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Alaska, or any town or district thereof, not inconsistent with the provisions hereof.

SEC. 10. That the legislative council may, *subject to the approval of the governor and the President*, grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain *in cases where such grants provide for the construction and operation of works of public utility and service*, and may authorize said works to be constructed and maintained over, upon, and across the public property of the United States, and may adopt rules and regulations under which the municipal governments may grant the right to use and occupy such public property belonging to said municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation *being made therefor*, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation or person except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States or by the legislative council with the approval of the governor, and that lands or rights of use and occupation of lands thus granted shall revert to the government or the municipality by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal: *Provided further*, That all franchises, privileges, or concessions granted shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends; and in the case of public-service corporations shall provide for the effective regulation of the charges and conditions of service thereof, for official inspection and regulation of the books and accounts of such corporations, and may provide for the payment of a reasonable percentage of gross earnings into the treasury of the District of Alaska or of the municipality within which such franchises are granted and exercised, and in the case of railway franchises of any kind they shall provide for physical connection with roads intersecting or in contact and for the fixing by the legislative council of joint rates and conditions of joint service for roads so connected when required.



SEC. 11. That no bill shall become a law unless it be passed by a majority vote of all the members of the legislative council and be approved by the governor within ten days thereafter. If when a bill has been passed and is presented to the governor for signature he approves the same, he shall sign it, or if he does not approve of it he shall return it, with his objections, to the council, which shall enter his objections at large on its journal and proceed to reconsider the bill. If after such reconsideration two-thirds of the council shall agree to pass the bill, it shall become a law. But in all cases the votes of the council shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it unless the council by adjournment prevents its return, in which case it shall not be a law: *Provided, however,* That all laws enacted by the legislative council shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same: *Provided further,* That prior to the adjournment of the session of the Congress of the United States to which a law of the legislative council has been reported the President may suspend or annul such law.

SEC. 12. That the legislative council of Alaska shall convene annually at the capital of Alaska on the first Monday in October. The governor may convene said council in extraordinary session by a proclamation issued with the prior approval of the President of the United States.

SEC. 13. That there shall be appointed by the President a secretary and treasurer of the Territory of Alaska, who as secretary shall be the custodian of the territorial seal and perform the duties required by law to be performed by the secretary of a Territory and such duties as may be prescribed by the legislative council. As treasurer he shall give bond, approved as to form by the attorney-general of Alaska, in such sum as the legislative council may require, not less, however, than the sum of fifty thousand dollars, with surety approved by the governor; and he shall collect and be the custodian of the public funds, and shall disburse the same, when appropriated by law, on warrants signed by himself and countersigned by the governor, and shall keep full and accurate accounts showing all receipts and disbursements, and perform such other duties as may be prescribed by law and make to the governor such reports as he may require.

SEC. 14. That there shall be appointed by the President an auditor for the Territory of Alaska. He shall have power and it shall be his duty to audit and control, in accordance with law, all public accounts pertaining to the government of Alaska: *Provided,* That where an appeal is permitted by law to the governor from the decisions of the auditor as to the legality of any expenditure or payment the governor's decision shall be final only in such cases as his conclusion is the same as that of the auditor. Where a different conclusion is reached by the governor from that of the auditor, the matter shall be certified and submitted by the governor to the head of the executive department of the United States designated by the President, whose decision shall be final.

SEC. 15. That there shall be paid into the treasury of Alaska—

The duties and taxes collected hereafter in Alaska under the customs and internal-revenue laws;

All amounts received from the sale of timber, coal lands, and other parts of the public domain in Alaska;

And all moneys derived from and collected for license outside of the incorporated towns in Alaska, and which are now deposited in the Treasury of the United States and known as the "Alaska fund," shall, after the passage and approval of this Act, be paid to the treasurer of the Territory of Alaska by the Treasurer of the United States, and all such sums which are now on deposit in the Treasury of the United States shall be paid directly to the treasurer of the Territory of Alaska.

*And provided,* That no less amount of the said revenue shall be annually appropriated for the making and maintaining of wagon roads, bridges, and trails in the Territory than the average of the amount derived annually from the "Alaska fund" for this purpose since the establishment of the board of road commissioners for Alaska.

SEC. 16. That the salaries of all officers and all expenses of the offices of the various officials of Alaska appointed by the President as herein provided shall be paid out of the United States Treasury.

The annual salaries so to be paid shall be as follows:

The governor, ten thousand dollars.

The attorney-general, seven thousand five hundred dollars.

The commissioner of the interior, seven thousand five hundred dollars.

The commissioner of education and health, seven thousand five hundred dollars.



The commissioner of mines, seven thousand five hundred dollars.

The secretary and treasurer, three thousand five hundred dollars.

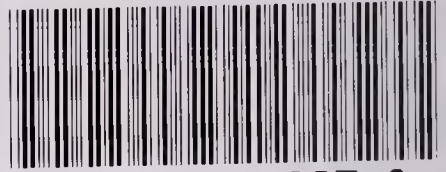
The auditor, three thousand five hundred dollars.

*Provided*, That one or more of the offices created by this Act may be filled by officers of the United States Army. The official salary of any officer on the active list of the United States Army so serving shall be deducted from the amount of salary or compensation provided by this Act: *Provided further*, That in the event of any officer of the army being so appointed as commissioner of the interior he shall constitute one member and be chairman of the board of road commissioners.

SEC. 17. That the governor, the attorney-general, the commissioners of the interior, education and health, and mines, the auditor, and the secretary and treasurer shall, in addition to their salaries, be paid their actual traveling and subsistence expenses when traveling in the discharge of their official duties. Accounts for such expenses shall be rendered and paid as are accounts of officers of the district court of the Territory of Alaska for like expenses.



LIBRARY OF CONGRESS



0 038 716 327 A